

APPEAL NO. 022249  
FILED OCTOBER 22, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 13, 2002. The hearing officer determined that the respondent (claimant) did not sustain a compensable injury on (alleged date of injury), but did sustain a compensable injury on \_\_\_\_\_, and had disability beginning February 17, 2002, and continuing through the date of the hearing. The appellant (carrier) complains on appeal that the evidence does not support these determinations. The appeal file contains no response from the claimant.

DECISION

We affirm.

The carrier argues on appeal that the hearing officer erred in determining that the claimant sustained a compensable injury on \_\_\_\_\_, since the issue certified at the benefit review conference (BRC) and presented at the hearing was whether the claimant sustained a compensable injury on (alleged date of injury). A hearing officer is not bound by the date of injury set forth in a BRC report if the evidence at the hearing indicates otherwise. Texas Workers' Compensation Commission Appeal No. 92022, decided March 9, 1992; Texas Workers' Compensation Commission Appeal No. 91123, decided February 7, 1992. There is no strict requirement for pleading the exact date of an injury and thereafter being restricted to proof as of that date. Appeal No. 91123, *supra*. We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Robert W. Potts  
Appeals Judge